

ASSEMBLY BILL

No. 2137

Introduced by Assembly Member Chesbro

February 18, 2010

An act to amend Section 14681 of the Food and Agricultural Code, relating to fertilizer.

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, as introduced, Chesbro. Fertilizing material: misbranding: labels.

Existing law generally regulates fertilizing materials, as defined, and provides for the licensure of persons who manufacture or distribute fertilizing materials.

Existing law prohibits a person from distributing misbranded fertilizing materials and provides specified conditions under which a fertilizing material will be deemed to be misbranded.

This bill would provide that a certified lab analysis showing the nutrient contents of compost, cocompost, or mulch, as defined, does not constitute a label claim for purposes of these provisions relating to fertilizing materials.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14681 of the Food and Agricultural Code
2 is amended to read:

1 14681. (a) No person shall distribute misbranded fertilizing
2 materials. A fertilizing material shall be deemed to be misbranded
3 under any of the following conditions:

4 ~~(a)~~

5 (1) If its labeling is false or misleading in any particular way.

6 ~~(b)~~

7 (2) If it is distributed under the name of another fertilizing
8 material.

9 ~~(c)~~

10 (3) If it is not labeled as required by regulations adopted
11 pursuant to this chapter.

12 ~~(d)~~

13 (4) If it purports to be, or is represented as, a fertilizing material,
14 or is represented as containing a primary or secondary plant nutrient
15 or micronutrients, or both, unless the plant nutrients conform to
16 the definition of identity, if any, prescribed by regulation. In
17 adopting these regulations, due regard shall be given to commonly
18 accepted definitions and official fertilizer terms such as those
19 prescribed by the Association of American Plant Food Control
20 Officials.

21 (b) *Providing a certified lab analysis showing the nutrient*
22 *contents of compost, cocompost, or mulch, as defined in subdivision*

23 *(c) of Section 12207 of the Public Contract Code, does not*
24 *constitute a label claim for purposes of this chapter.*